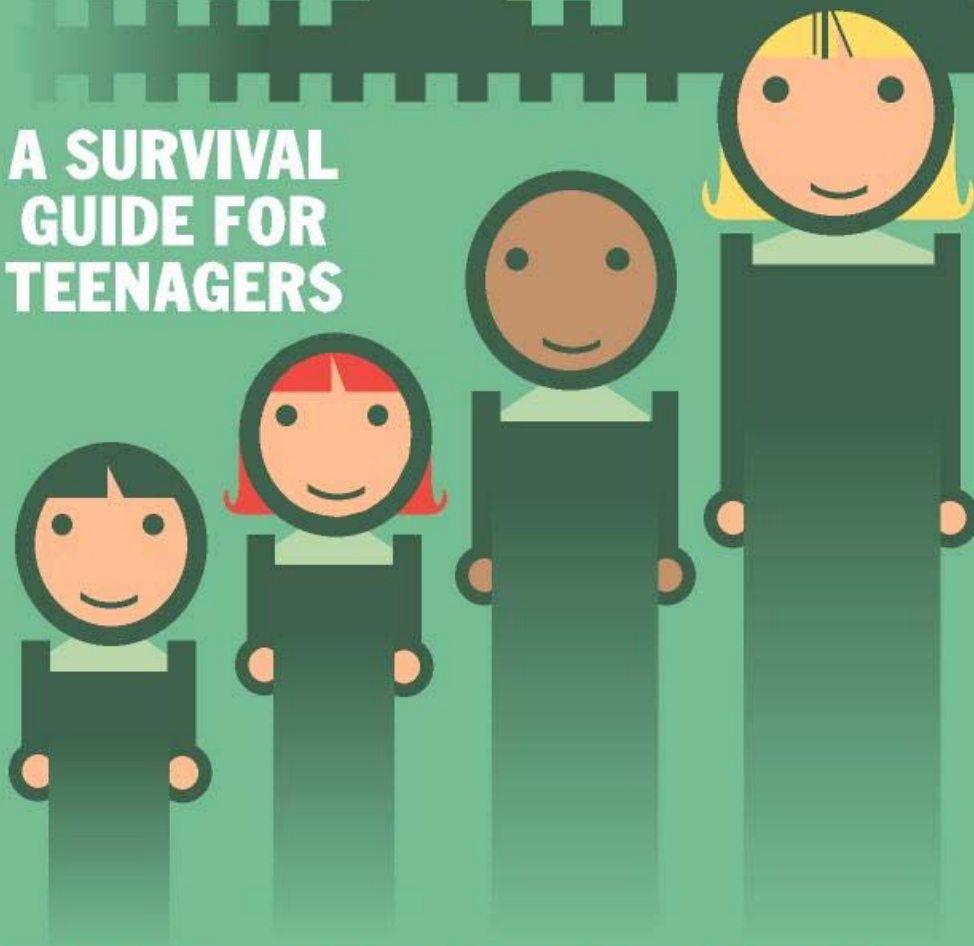


**when
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become**

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**A SURVIVAL
GUIDE FOR
TEENAGERS**



FUNDED BY A GENEROUS GRANT FROM THE FOUNDATION OF THE STATE BAR OF CALIFORNIA

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When You Become 18

A Survival Guide for Teenagers

Congratulations! When you become 18, you have a lot to look forward to. You can vote. You are no longer a minor. You can be independent of your parents. You're free — at last. You can also sue in your own name, make a contract, rent an apartment and buy a car.

Now, most coins have two sides. The other side reads: Your parents are not legally required to support you anymore. You can be personally sued. You have the right (and duty) to pay for that car and whatever else you buy. You may go to war since males must register for the military. Fun and games are combined with realization and responsibilities. In the face of criminal charges, you will not have the protection of the juvenile court and laws. You could go to the penitentiary. And you are expected to pay state and federal income taxes.

This booklet will give you some pointers. Welcome to the real world of becoming 18!

ALCOHOL

Hey, but I can handle it. Sorry, but the legal drinking age in California for all alcoholic beverages is 21 years of age. (BPC § 25658) It's against the law to sell or give alcoholic beverages to a person under 21 or to let the person drink those beverages in a bar or store. (BPC § 25658)

- **Beer and wine are alcoholic beverages, right?**

Any drink that has at least half of one percent alcohol is an alcoholic beverage. That includes beer, wine or any other liquor.

- **What happens if I go into a store or bar to buy some booze?**

If you appear to be under 21, you will be asked to prove your age. If you can't provide ID, the clerk can't sell to you. (BPC § 25659)

- **What if I borrow a driver's license or change the age on mine to show I'm 21 or older?**

You will be breaking the law in either case. Also, the person who gave you the false identification will be committing a crime. You cannot lend, borrow or alter a driver's license or other identification in any way. (BPC §§ 25661, 25660.5; VC § 14610)

And there's more. . . .

key to abbreviations

BPC - Business and Professions Code

CAC - California Administrative Code

CC - Civil Code

EC - Education code

FC - Family Code

FGC - Fish and Game Code

HNC - Harbors and Navigation Code

HSC - Health and Safety Code

LC - Labor Code

PC - Penal Code

USC - United States Code

USPL - United States Public Law

VC - Vehicle Code

WI - Welfare and Institutions Code

It is against the law for a person under 21 to:

- Possess liquor on any street, highway or public place; or carry liquor in a car; or be a passenger in a car carrying liquor unless accompanied by a parent or legal guardian; even if the container is sealed. (BPC § 25662; VC § 23224)
- Enter and remain in a bar without lawful business. (BPC § 25665)
- Be hired to work in any place where the main business is selling alcoholic beverages to be used on the premises or be hired to work at any place where the alcoholic beverages are for off-the-premises consumption if the employee is under 18, unless he is under the continuous supervision of a person over 21. (BPC § 25663)

You're not the only one with rules. It is against the law for anyone to:

- Have an open alcoholic container in a car, whether you are drinking or not, or to drink while you're driving, or to drive a car while under the influence of alcoholic beverages. (VC §§ 23225, 23226, 23152)
- Be drunk or under the influence of drugs in public or on a public highway and therefore be in such condition as to be a threat to oneself or to others. (PC § 647(f))
- Drink, sell or give liquor to any person or possess liquor in any public school or on school grounds. (BPC § 25608)
- Permit a minor to loiter in a place where liquor is sold and which is not operated as a restaurant.

BANKING

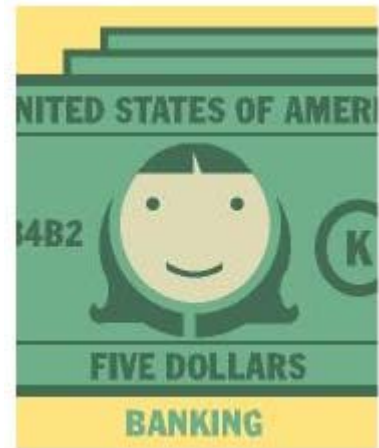
Cash, check or plastic? That becomes a very real choice when you're 18. A pad of blank checks does not guarantee fiscal security!

- **So I can finally get my own bank account?**

Yes, and the choice of checking and savings accounts may make your head swim. **Learn** the rules and restrictions for the account you choose.

- **What are some good questions to ask?**

- Is there a minimum balance on the account?
- Is there interest that can be earned on this account?
- Is there a monthly service charge?
- Is the account charged for each check written?
- Is there a fee for use of the automated teller?
- Are the canceled checks returned or kept at the bank?



- **And what happens when a check bounces?**

If you write a check for more than the amount you have in your checking account, the bank may handle it a couple of ways:

- The bank may return the check to the person attempting to cash it. That person will notify you and may charge a penalty of up to three times the amount of the check. (CC § 1719) Note: Writing a check when you don't have enough money in your account to pay it may also be a crime! (PC § 476a)
- Or, the bank can pay the check (requiring you to make a deposit to make up the difference) and charge you a fee or a penalty.

CONSUMER PROTECTION

I had over half of a large pepperoni pizza and drank half a pitcher of Coke for lunch. I guess that makes me a consumer.

There are California state laws regulating consumer products such as motor vehicle sales and repairs, home solicitations and home improvement contracts.

- **The truth, the whole truth, and nothing but the truth.**

Truth in lending requires disclosure of credit costs and contract provisions. It also gives you a three-day right to cancel any credit sale which took place in your home. This could involve a lien on your residence.

- **What happens if I get a 'lemon'?**

You might be able to cancel the purchase if you bought it from a dealer. You must notify the dealer and give him an opportunity to fix it. If it continues to be a problem, you must notify the dealer that you are canceling the purchase and you must return the item intact.

- **What's the difference between an 'expressed' and an 'implied' warranty?**

These are two types of consumer warranties. An expressed warranty is a written contract with the manufacturer/dealer which gives the manufacturer/dealer a reasonable opportunity and number of chances to repair defects. If they are unable to do so, the merchandise is replaced or your money refunded. This warranty applies to whoever owns the merchandise during the warranty period.

An implied warranty is a warranty implied by law. It is implied in every consumer purchase that the item purchased will be "suitable" for the purposes for which it is intended. If one buys a watch, he or she expects it to adequately tell time, not merely look nice on the wrist. An implied warranty exists with every purchase to protect consumers. However, if an item is bought "as is," then there is no warranty of any type and the buyer should beware because there is no recourse should the item be a "lemon."

- **What if nobody will listen?**

There are local, state and national agencies established to protect the consumer:

- **Local consumer agency** — check your local telephone book for agencies.
- **State of California** — Department of Consumer Affairs / Tel: 1-800-952-5210 / TTY-916-322-1700
- **Federal** — The Federal Trade Commission / Tel: 1-877-382-4357 / www.ftc.gov

- You might also go to Small Claims Court if your claim is \$5,000 or under. No attorneys are allowed in Small Claims Court. Free pamphlets from the California Department of Consumer Affairs and the State Bar will show you how to handle your claim.

CONTRACTS

“Let’s shake on it.” That’s a good idea, but why not do more? Sign on the dotted line.

The State Bar would like to acknowledge the Foundation of the State Bar of California for its ongoing contribution to the bar’s public education program.

We would also like to acknowledge California Law Advocates for recently assigning the State Bar the rights to “When You Become 18.” We appreciate their decade of hard work which has made this guide a reality.

And, finally, the State Bar applauds the California PTA for its volunteer role in distributing several hundred thousand of the bar’s public education guides over the years.

• What is a contract?



A contract is an agreement between two or more competent parties for a consideration. Contracts may be oral or written and must be legal. (CC §§ 1549, 50, 1660)

• Who can make a contract?

You can, when you’re 18 years old. And you’ll find plenty of opportunities to do so for such things as installment payments on large purchases or loans, an apartment rental, an employment contract and insurance or medical payments.

However, there are some important hints to remember when considering signing a contract:

- Do not sign anything until you are sure you understand the agreement.
- Read the contract completely before you sign it.
- Talk to the other party about altering or removing provisions that you disagree with.
- Do not sign a contract with blank spaces — either fill them in or cross them out.
- Be sure to keep a complete, signed copy of the contract.

- **But I didn't know . . .**

You failed to meet your part of the contract? That's the very reason it's so important to read contracts carefully. Breaching a contract — failing to pay a debt according to the terms of your contract, for example — can lead to serious consequences.

- You can be sued and be required to appear before a judge. If you lose your case, you may be required to pay the judgment plus interest and, in some cases, the other side's costs and attorney fees.
- If you have an unpaid debt, you may work out an agreement to pay your debt over time. If so, make sure it is in writing.
- You may file bankruptcy, which allows you to dismiss your obligation to pay certain debts or to rearrange debts and work out payment plans with creditors. Bankruptcy allows you to make a fresh start, but it has a bad effect on your credit rating, making it harder for you to get a loan in the future.

CREDIT

You may impress your friends by flashing a deck of credit cards, but remember it's one of the easiest ways to get in over your head. And when you become 18 your parents don't have to bail you out financially — it's their choice.

- **What's so bad about credit cards?**

Absolutely nothing, as long as it's you controlling them, and not the other way around. Credit cards are not the same as cash — you may have to pay annual fees and other charges to use them. With some, you may even be charged interest for the full time between your purchases and your payment — even if you pay your bill in full. Interest and finance charges are set by the banks and retailers which issue the cards and vary with different kinds of credit cards.

- **Someone ripped me off. What now?**

Immediately report the loss or theft of a credit card to the bank or company that issued it. If it's not promptly reported, you may be responsible for up to \$50 of unauthorized charges on the credit card.

- **What is a credit report?**

A credit report is a summary of what debts you owe and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts and from public court records. It is collected and stored by companies, often

called credit bureaus, which make the information available when you want to get a credit card or make a major purchase on time payments.

- **Does a bad credit history ever go away?**

That depends on the seriousness of past problems. The files may go back seven years (or 10 years for bankruptcies). You may obtain your file for a fee to review what has been collected from your credit history. In California, if you have been denied credit based on the information in a credit report, you may obtain a free copy of the report if you ask the credit bureau for it within 60 days. If it contains mistakes, you have the right to ask that they be corrected.

- **What is collateral?**

Collateral is an item of value that is accepted by the lender to be used to pay back the loan if you are unable to repay it.

- **Can a lender have different rules for making loans to women, men or minorities?**

No. It is unlawful for a creditor to discriminate against any applicant on the basis of race, sex or marital status. Lenders may only make distinctions based on the applicant's credit rating.

CRIMINAL CHARGES

You have the right to remain silent. Everything you say can and will be used against you in a court of law.

- **What is a crime?**

A crime is doing something against the law, which is made punishable by a fine or imprisonment. (PC § 15)

- **Is there a hierarchy of crimes, or are they all just bad?**

There are three types of crimes:

- **Felonies** are the most serious crimes and can result in commitment to state prison.
- **Misdemeanors** are less serious crimes and cannot result in commitment to state prison, but rather to county jail for not more than one year.



- **Infractions** are traffic tickets for which you may have to pay a fine or have your license suspended.

- **What if I didn't know that something I did was a crime?**

You are still guilty of the crime — not knowing the law is no excuse. Ask yourself if what you are doing will harm or injure a person or property not your own. If it will, it's wrong.

- **I'm not really expecting to be arrested, but what if I am?**

If arrested, you can expect to be searched or be taken to a police station. You will be advised of your rights under the United States Constitution, in what is commonly called a "Miranda" warning.

Important rights to remember are that you do not have an expectation or a right to privacy in a police station, even if you are in a closed room. So be careful of what you say to your mom or anyone in the police station. (Whisper in her ear or wait until you are in a secure location.) You have the right not to talk to the police and the right to have an attorney present. If you cannot afford an attorney, the court will appoint one for you.

- **So I should just stay cool?**



You should remember your right to have an attorney present. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone.

On the other hand, you may choose to answer questions, sign papers or take tests. However, any information you give voluntarily can be used as evidence against you in court.

Law enforcement officers cannot force or threaten you into answering questions and cannot offer leniency in exchange for any written or oral statements.

- **What happens after the arrest?**

After you are arrested and processed, an "initial appearance" in court usually occurs within 24 hours. Exceptions are weekends, when you may have to wait until Monday morning when court opens.

- **Couldn't I get bailed out?**

Bail is designed to guarantee your appearance in court. The court will often require that a specific amount of money be deposited with the clerk of courts. Sometimes the court allows the deposit of a bond or title to a home. Usually a member of your family must

obtain the funds, deposit the money and then show the receipt in order to get you released. In some instances, you might be released on your own recognizance without posting bail.

Proposition 21

The nature of the crime, and not your age, determines whether you will be tried as an adult or as a child, even if you are not yet 18 years old. Currently, a minor 14 years of age or older can be tried as an adult for certain offenses (generally serious and violent crimes such as murder, aggravated sexual assault or gang-related crimes). In addition, if you are convicted of a gang-related crime, you can receive extra prison terms of up to 10 additional years depending on the seriousness of the offense. Furthermore, if you are tried as an adult for a serious crime, that conviction can be used against you under the three strikes law. If you are tried as an adult, you are entitled to the same rights that an adult has, to an attorney and a jury trial.

- **What if I can't afford to hire an attorney?**

The first thing to tell the court at your initial appearance is that you wish to speak to someone from the Public Defender's Office. Generally, the court will postpone your case to give you time to contact a public defender.

- **What happens if I cause a minor to break a law?**

If you help a minor commit a crime, you may also have to go to court. (PC § 272)

- **What would happen if I lied and made a report which wasn't true?**

It is a crime to make a false police report or give false information to an officer or turn in a false fire alarm.

(PC § 148.4, 148.5; VC § 31)

If questioned as a witness by the police or in court, you should tell the truth. To lie when you are under oath is itself a crime. (PC § 118)

- **Three strikes and you're out. What does that have to do with the law?**

The "three strikes law" specifies that if you have been convicted of two violent or serious felony crimes (strike one and strike two) and you commit a third felony (any felony), you will go to prison for 25 years to life. No time off for good behavior. (PC § 1170.12) Prosecutors and judges do have some discretion in the law's application.

- **Do other states have their own sets of laws?**

Yes. And in addition to the state laws, the government of the United States has enacted many other laws. Generally, these federal crimes relate to acts involving U.S.

government agencies, such as the U.S. Postal Service and the U.S. Treasury, and to crimes committed in interstate commerce.

- **Is that where the FBI comes in?**

The federal government has its own system of courts and law enforcement agencies — the Federal Bureau of Investigation (FBI) is part of it. The federal trial courts are known as United States District Courts. The federal courts also have their own sentencing provisions and correctional agencies.

- **I didn't know there was a difference between state and federal crimes. Are federal crimes more serious?**

Not more serious necessarily — most federal crimes are felonies and are punishable by more than one year in prison.

Common federal crimes are:

- Transporting a stolen vehicle across state lines.
- Making a false statement to the government with intent to defraud.
- Mailing matter which is obscene or incites to crime.
- Transporting or importing narcotics.
- Forgery of government checks.
- Possession of stolen mail and of items — such as credit cards — which have been stolen from the mail.
- Robbery or burglary of a bank or savings and loan institution.

In addition, the federal courts will punish violations of all state laws when committed on government property, such as a national park or a federal office building.

- **Sounds pretty serious, like something out of 007.**

It's serious stuff because a person convicted of a federal crime has a criminal record for the rest of his or her life.

- **I thought a record could be sealed.**

A California juvenile court record can be sealed when you become 18 or five years after your last case was dismissed in the juvenile court. You must ask the juvenile court to seal the record.

However, if someone over 18 commits a felony or a serious misdemeanor, the juvenile court does not have to seal the record.
(WI § 781)

- **What does that really mean?**

Sealing a California juvenile court record means that those charges, arrests and probation status reports contained in the record cannot be seen by anyone without the person's permission. Once a record is sealed, you can legally tell any future employer, school, etc., that you have never been arrested.

- **Then my slate would be clean?**

Even when a record has been ordered sealed by the court, there are so many records that a partial record is still left with local police, the State Bureau of Criminal Identification and Investigation and the FBI.

Once a record has been sealed, the police, probation and the court cannot release any information about it or provide clarification which would help the person who had been convicted. The consequences of having a record can be more severe than the punishment ordered by the court.

- **The consequences worse than the punishment? Like what?**

Here are a few examples:

- A driver's license **may be denied** on the basis of a criminal record, and many jobs require a car.
- A criminal record might prevent a person from **being accepted by the college or university** of his or her choice.
- A person who has been convicted of a crime may be **prevented** from entering the armed forces or, if accepted, may not be given a commission or a security clearance.
- A person who has been convicted of certain kinds of felonies **may lose the right to vote**.
- Many businesses require employees to be bonded. An insurance company usually **refuses to bond** anyone who has been convicted of a felony.

- Some **employment** may be **closed** to those convicted of a crime or those who committed an offense which would be a crime if committed by an adult.

- **What can I do if I feel like a police officer is setting me up?**

Submit to an arrest, even if you think it is unlawful. At a later time, you can protest and seek lawful remedies against the police officer. (PC § 834a)

- **That's easy for you to say!**

There are avenues of recourse for redress of grievances and injustices. You may hire a private attorney for legal proceedings, or seek assistance from one of the many organizations which provide legal aid. You can take your case to special units of law enforcement agencies or to private agencies or organizations set up for that purpose.

- **It's that or nothing?**

If there is an unusually serious offense involved or if you wish to bypass these channels, you should report it to the district attorney's special investigations division. For situations in which there is a violation of a federal law, you might contact either the United States Attorney or the FBI.

- **Police officers are supposed to be cool. Aren't they trained to handle such situations?**

While it is sometimes true that a police officer has acted improperly or illegally in a situation, it must be recognized that frequently the behavior is in response to provocation, mistakes made under pressure, or doubt as to what the law is. Good police community relations are a two-way street, with both sides either contributing to the problem or to its solution.

- **So what's the final word?**

There are four of them: Keep your act together.

Laws are made for the benefit of all, so that we may live together in harmony and be governed by the same standards. In the United States, laws are enacted in accordance with the provisions of our Constitution. We all have the opportunity and duty to examine laws and to attempt to change them through lawful procedures. Age, ignorance of the law or disagreement with the law does not permit noncompliance or provide an exemption from arrest for committing an offense.

DIVORCE

- **Boy, did I make a mistake. How can I get out?**

You will need to file a divorce petition (known as dissolution in the State of California). You may want to consult an attorney. A judge will consider child custody, child support, financial maintenance of either spouse and property division. As a general rule, all community property assets are divided equally.

- **What would be grounds for divorce?**

In California, there are two grounds for divorce:

- Irreconcilable differences which caused the irremediable breakdown of the marriage.
- Incurable insanity. (FC § 2310)
- **Let my ex-spouse take care of the kids. I couldn't afford them anyway.**

You can be sued for support by the child, the child's other parent or a child support agency. A wage assignment can be obtained that will automatically deduct the amount from your paycheck.

- **Yeah, but he's not mine anyway.**

A paternity action can be started by the child, the child's mother or a child support agency. If you cannot afford a lawyer, one will be appointed for you. You have the right to require blood tests. Very accurate blood tests now exist. If the question isn't settled, a trial will be held to determine the child's father.

- **If I'm his parent, then I've got my rights.**



Yes, but they can be terminated for the following reasons:

- Abandonment.
- A continuing need of protection or services for the child.
- A continuing parental disability.
- Repeated abuse.
- A failure to assume parental responsibility, moral and financial.

DOMESTIC AND OTHER ABUSE

- **What is domestic violence?**

Domestic violence is certain kinds of abuse directed toward a spouse or former spouse, cohabitant or former cohabitant, or a person with whom the abuser has had a “dating or engagement relationship,” or with whom the abuser has had a child. It cuts across all cultures, ethnic backgrounds, education levels and income brackets. It impacts homosexuals as often as heterosexuals, teenagers as well as senior citizens, and men as well as women.

Such violence is behavior driven by a need to control. It can range from threats, annoying phone calls and stalking (such as following the victim to and from work and threatening the victim), to unwanted sexual touching and hitting. It also can be defined as one spouse destroying the other’s personal property.

- **How can the law help me if I’m battered?**

If you are in immediate danger, call 911. When the police arrive, explain what happened. The officers can contact an on-call judicial officer and issue an “Emergency Protective Order” (also called an EPO) on the spot. This legally prohibits the batterer from coming within a certain distance of you for five court days. It also may grant you temporary custody of your children. To obtain a longer-term restraining order, you must file for a “Temporary Restraining Order” (TRO). You can request that the TRO be made “permanent,” which means that it will last up to three years and can be renewed. Still, be aware that such an order may lower the risk of ongoing violence, but it does not eliminate it.

In addition, the law allows survivors of domestic violence to keep their home addresses confidential through the state’s Safe at Home program (1-877-322-5227). For other kinds of assistance and referrals to local agencies, you can call the National Domestic Violence Hotline at 1-800-799-SAFE (TTY-1-800-787-3224.) Available assistance includes shelters, funds for relocation, free counseling and various forms of protection.

- **Does an abused spouse have to start divorce proceedings to get help from the courts?**

No, if you are abused, you can get a restraining order from the court if either you or your children are in immediate physical danger. While the divorce is pending, the court can order the parties not to interfere with each other’s personal liberty or freedom. For instance, the court might order one spouse to leave the home for a short time. Anyone disobeying such an order can be fined, jailed or both.

- **Can I seek a criminal complaint against my abuser?**

Yes. If you are abused, immediately call the police. Get hospital treatment and keep records of injuries, names of witnesses, police officers and medical attendants. And get copies of medical reports.

- **Can I bring an action for personal injuries against my abuser?**

Yes, but to do so, a civil action must be started. You should see an attorney to discuss the sufficiency of evidence, the facts which must be proven and the amount of damages or other remedies you could obtain.

Date Rape

- Well, we had this date. I took her to a movie and dinner and, well, you know, I wanted to go all the way. She sure was upset. So is that a crime?

You bet it is. Rape is a felony. Friendship does not convey an invitation to sexual intercourse. (PC § 261.6)

Sexual Harassment

- **Oh, come on, what else? I just grabbed her butt. What's the big deal?**

Any person who touches an intimate part (i.e. sexual organ, anus, groin, buttock or breast) of another person, if that touching is against the will of the person touched and is for sexual gratification, arousal or a sexual abuse, can be punished by up to a year in the county jail and/or \$2,000 fine or by imprisonment in state prison for up to four years and/or a fine of \$10,000. You may even be required to register as a sex offender for life! (PC §§ 242, 243.4(D), 290)

Child Pornography on the Internet

So you decided to surf the net! Be careful of what you download. It could be against the law.

- **Someone put pictures of kids having sex on the net. I just downloaded it and kept it. Is that a crime?**

Yes. Possession of or control over "child pornography" (any matter depicting a person under the age of 18 engaged in or simulating sexual conduct) is a crime. The first offense is a misdemeanor, punishable by up to one year in county jail and a fine of no more than \$2,500. The second offense is a felony requiring state prison time. (PC § 311.11(a)) Registration as a sex offender for the rest of your life is a mandatory condition after a conviction of PC § 311.11(a), regardless of whether it is a misdemeanor or a felony. If you receive an e-mail with an attached photo of child pornography, you are obligated to delete it.

DRUGS

- **There are, of course, some laws involving drugs and narcotics, too.**

There sure are. It is illegal for anyone to possess or traffic, give or sell a controlled substance. You may only possess those drugs prescribed by a physician for you. To possess or use another person's prescription is illegal. Penalties range from 12 months in the county jail and a \$500 fine for marijuana to a sentence of five to 10 years in the state penitentiary and a fine of \$5,000 to \$10,000 for more dangerous substances, such as cocaine.

EMPLOYMENT

Employment, as in making a living, getting a job.

- **Will I be offered a written contract with a job?**

Probably not. Most employment contracts are oral.

- **Is there any guarantee that I can keep my job if I do my best?**

Unfortunately, jobs don't come with even limited warranties. Generally, an employer can fire an employee without a specific reason. There are exceptions: An employer may not fire or discriminate against someone based on race, gender, sexual orientation, color or religion.

- **But what if I am discriminated against?**

You can call the California Department of Fair Employment and Housing at 1-800-884-1684 (TDD-1-800-700-2320). Or you could contact the Commission on Civil Rights or your local Equal Employment Opportunity Commission.

- **My paycheck. So much and now so little.**

It's true that 35 to 40 percent of your paycheck is withheld for:

- Federal income tax.
- State income tax.
- Social Security.
- Unemployment fund.

Social Security

- **What is this F.I.C.A. stuff all about?**

That is Social Security, an insurance policy which provides retirement, disability and death benefits to workers. The employer pays half of the premium and you pay the other half.

- **So that's why I had to get a Social Security card?**

Yes, you must have a Social Security card before you can be employed. Applications are available at a local Social Security office.

Workers' Compensation

- **Then what is workers' comp all about? I thought that was some kind of insurance.**

It is. Workers' compensation is insurance that your employer pays to provide compensation and medical insurance to you in case of an injury on the job.

This insurance will also protect you in case you develop an occupational disease as a result of your job. It is not meant to take the place of your own personal insurance plan.

- **I worked hard for that money. Will I get any of it back?**

Maybe after you file your income tax return. Don't forget your income tax return must be mailed to the Internal Revenue Service and the California Franchise Tax Board no later than **April 15** of each year. You would be entitled to a refund if you paid more income tax than required through employer withholding.

GUNS AND OTHER WEAPONS

There are laws dealing with guns and other weapons as well. Black's Law Dictionary defines a dangerous weapon as one that is dangerous to life and by its use will probably inflict a fatal wound.

Generally speaking, anything that disqualifies you as a voter or a juror, such as a felony, also legally disqualifies you as a gun owner. This is no coincidence; these three rights/duties are historically and philosophically related.

- **So what are the rules?**

- You must be 18 to buy rifles or shotguns (21 for handguns). California requires a 15-day waiting period and criminal record check for most gun buyers.
- Leaving a loaded gun in a place where a child can have access to it is illegal and punishable by a fine or prison term. (PC § 12035)



- You cannot hide concealable weapons in your car or on your person. (PC § 12025)
- You cannot carry a loaded firearm yourself, in a vehicle, in a public place or in any other area where it is forbidden.
(PC § 12031; FGC § 2006)
- You cannot have blackjacks, sling shots, billy clubs, sandbags or metal knuckles. These can be taken away and destroyed by the police. (PC §§ 12020, 12029)
- You cannot make a blackjack, a metal knuckle or carry explosives. (PC § 12020)
- You cannot carry, sell, lend or give away a switchblade knife or similar type knife if the blade is over two inches long. (PC § 653k)
- When you are on school grounds, you cannot carry or have any kind of knife or razor blade longer than 2 1/2 inches. (PC § 626.10)
- **Hey, I'm not really going to hurt anybody.**

Other than in self-defense, it is against the law to threaten anyone with a deadly weapon or carry such a weapon without a license. (PC §§ 245, 417, 12024) This includes tear gas weapons such as mace, which require training and licensing. (PC §§ 12402.7, 12403.7) Using tear gas weapons is a felony except in self-defense. Illegal possession of explosives is also against the law.

- **What if I'm really careful when I do my target practice?**

Be careful whenever and wherever you shoot a firearm. But there still are restrictions about where you can do that shooting. You cannot shoot any firearm from or upon a public road or highway in any city. It is also against the law to shoot a firearm at any house, vehicle, building or aircraft, and, of course, at a person.

HATE CRIMES

- **What is a hate crime?**

A hate crime is committed when someone uses violence against you or your property — or threatens violence — because of who you are, who people believe you are or the people with whom you associate. In California, the law specifically forbids someone to use force or threats of force to interfere with your rights under the United States or California constitutions — or other federal or state laws — because of certain facts (real or perceived) about you. These include your race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

- **What are some examples of hate crimes?**

Hate crimes take many forms. They can include physical assault, attempted assault or a written or spoken threat of assault. An “assault” is committed when one person attempts to physically or emotionally harm another person. Drawing a swastika on your door, burning a cross on your lawn, splashing paint on your car or damaging your property in other ways also can be hate crimes.

- **How can I stop someone from continuing to harm me or my property?**

If you know who harmed — or threatened to harm — you or your property, you can ask the court to issue a “restraining order.” Violating such an order could result in a fine or even jail.

The California Department of Fair Employment and Housing, your city attorney, the county district attorney or the California Attorney General’s office can ask a court for a restraining order. None of these offices or officials charge a fee for this assistance. Your lawyer also can ask the court for a restraining order, but you may have to pay a fee for the lawyer’s work.

- **What happens to the person who harmed me?**

If there is enough evidence of a hate crime, the county district attorney may prosecute your alleged attacker. This means that the accused will face criminal charges in court. You will probably be asked to be a witness during the trial. If convicted of a hate crime, your attacker could face jail, a fine of up to \$5,000 or both.

Suppose, however, that a person commits a crime that is motivated by hate but does not fall within the definition of a “hate crime.” That the crime was committed because of hate is what is important. In such a case, the offender could receive a longer sentence, be sent to prison, be ordered to pay a fine of up to \$10,000, or all three. The same is true if the crime is a second offense. If the crime is a felony and is committed out of hate, the court may order a longer prison sentence, up to four years. Or the judge may order “restitution.” This means that the convicted person must pay you back for your “actual damages” or losses. Perhaps you have medical bills, or had to repaint your fence to remove racist names.

HOUSING

Housing — as in a roof over your head! You’ve dreamed of this day. Just sign on the dotted line.

- **Must a lease be written to be enforceable?**

Not unless the lease is for longer than one year.

- **What are the advantages of putting it in writing?**

- You will have a better idea of all of your rights and obligations.
- You will have protection against dishonesty.
- You will have protection against poor memory.
- **Are there any disadvantages to having it all in writing?**

Printed form leases usually favor the landlord. Remember, you don't have to use the printed forms as printed. If all parties agree, you can modify the form to suit your situation. The lease could change some of the rules that would otherwise favor the tenant.

- **Don't you trust me? Why a security deposit?**

It's an amount of money which the landlord holds as security against property damages, unclean conditions and unpaid rent. A written lease usually outlines the way a security deposit will be handled and what a tenant should do to have it returned.

Check local ordinances; they might regulate security deposits.

- **Can I earn interest on it?**

As of 1990, yes.

- **Should I have renter's insurance?**

Probably. The landlord's insurance will cover only the building, not your possessions. Renter's insurance is relatively inexpensive (and sure would help replace your microwave and CD player).

- **The money ran out before the bills did.**

If you do not pay the rent when due, a landlord may give you a notice to either pay or leave within three days. The three-day notice allows you to pay the rent due within three days and continue to live on the premises.

- **My folks thought they had to nag me. They should know my landlord!**

The landlord's general duty, unless the lease specifies otherwise, is to keep the premises in a "reasonable state of repair." However, if the cost of repair is minor in relation to the rent, it may be your responsibility to fix the problem.



You may report building code violations to your local building inspector without fear of being evicted. When conditions are so bad as to make the premises “uninhabitable,” you should consult an attorney about possible claims against the landlord and about whether you can move out and avoid further rent.

- **Can my landlord enter my apartment for any reason?**

With permission, a landlord may enter your premises at reasonable times to inspect, make repairs or show the premises to prospective tenants. The landlord may enter in unusual situations to preserve or protect the premises. Any other such entry may be a trespass.

- **In a monthly lease, I can end the lease by just leaving at the end of a month, right?**

Sorry, but it’s not that easy. You must give reasonable notice before the end of a rental period — in most cases, that’s a month’s notice.

- **But we made a deal. At least I thought we did. If I sign a lease with three friends and they move out, do I have to pay the full rent or only my share?**

It depends on what the lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.

- **If I break a lease, what amount can I be sued for?**

You can probably be sued for:

- All unpaid rent.
- Any physical damage, including unusual cleaning expenses.
- Advertising expenses and other costs of re-renting the apartment.
- The landlord’s attorney fees, if the written lease provides for it.



JURY DUTY

Adult or not adult. That is the question. When You Become 18, you legally become an adult. And you may have the opportunity to get an inside look at how the legal system works. We’re not talking about going to court for traffic violations. Rather, you may be on the other side of the rail — as a juror.

- **If they call me to serve, do I have to answer?**

Yes, unless you are excused for some special reason. The judge will excuse people in the following circumstances:

- Those people related by blood or marriage to someone involved in the case or to one of the lawyers.
- Anyone who has a financial interest in the case.
- Anyone who has a bias or prejudice which would prevent him or her from deciding the case impartially.

The judge may also excuse persons if service on the jury would cause extreme inconvenience or undue hardship or if there are other special circumstances.

- **Just the fact that I'm 18 makes me eligible for jury duty?**

That's part of it. You also must be a U.S. citizen and be able to read and understand the English language.

- How do they decide who should be called to serve on a jury?

A list of potential jurors is usually prepared from voter registration and driver's license lists. Before a jury is needed, names are chosen at random and those people are notified to appear at court. This is the jury panel from which jurors are chosen.



- **So if I'm called to serve, I may not really be part of a jury?**

That's right. More people are chosen for the jury panel than will be needed because some people are automatically excused and others may be excused by the judge or the attorneys.

- **Why would a judge excuse some people and not others?**

Judges have the right to excuse prospective jurors for a variety of reasons. The prospective juror may have:

- Immediate family members related to someone involved in the case.
- A financial interest in the case.

- Been convicted of a felony, have prejudice or bias or have formed an opinion regarding the outcome of the case.

Special exemptions are also made because of extreme inconvenience or hardship. Judges use their discretion.

- **Let's say the judge hasn't excused me and I'm still on the jury panel. What next?**

Names are chosen at random from those called for jury duty. The judge asks general questions and excuses people for the reasons mentioned. Lawyers may do more questioning and then may ask the judge to excuse others for the same reasons. Each lawyer is allowed, without any reason, to excuse from the case a limited number of people as set by the law.

- **This sounds like it could take forever. What about the time I'm taking off from my job?**

Employers are required to give employees time off for jury duty but, depending on your employer, you may or may not lose your wages during that time.

- **Do I get anything for this?**

You won't get rich doing it, but the county will pay you \$15 a day and 15 cents per mile one way.

- **Will I get old doing jury duty?**

Only if the trial lasts a very, very long time! You must serve until the trial for which you have been impaneled is completed. Being on a jury can be a rich and rewarding experience. It is a right not available in all countries and is your civic duty if called. As a juror, you will be called upon to be the arbiter of facts. The judge may take away your decision only in very limited circumstances.

MARRIAGE

We want to elope. At age 18, you can marry without the consent of your parents.

- **Why can't we just say our vows to each other?**

Marriage is a legal contract between a man and a woman for life. State law creates the relationship and describes the consequences of divorce or other marital problems.



- **Where can I get a marriage license?**

You apply to the county clerk in the county where you are to be married and pay the application fee.

- **So I've got the ring and the license. What else do I need?**

- An authorized official (generally a clergyman, judge or others authorized to perform marriages under the law).
- A competent adult witness.
- Mutual declarations by the people being married that they take each other as husband and wife.
- A certificate of registry of marriage.
- A health certificate, except for certain "confidential marriage" proceedings.

- **What is community property?**

Community property is all assets and wages earned or obtained during marriage. Community property is the property of both spouses equally with both spouses having control.

Although this is a community property state, there is still separate property which is property owned by one spouse prior to the marriage. This remains that spouse's separate property unless commingled with community assets. A spouse may also obtain separate property during a marriage by way of a gift specially "earmarked" for one spouse. Also, a judgment for personal injuries would be that spouse's separate property.

- **Oh, good. Now I've got someone to pay my bills.**

As the song goes, "It ain't necessarily so." Both husband and wife have an obligation to provide for the support of the other and of all minor children. Either spouse may be held liable for necessities furnished to the other or to minor children.

MILITARY SERVICE

- **When can I enlist in the military?**

If you have written permission from your parents, you may enlist at 17. Otherwise you must be 18.

- **I have to register when I turn 18, don't I?**



Yes, if you're a male citizen of the United States, you must register for the volunteer service within six months of your 18th birthday. Women are exempt.

- **How do I do that?**

Go to your local post office and fill out a form giving your name, address, sex, birth date and social security number. Physical examinations will not be conducted and classifications will not be issued when you register.

- **Will I get a draft card?**

No. If there were a draft, you would be notified by Western Union. The mailgram would order you to report for a physical examination and processing.

- **How do I know who would be called first?**

A lottery would determine draft priorities by birth date. The 20-year-olds born on that date would first be called, followed by 21-, 22-, 23-, 24- and 25-year-olds. Last would be the 18- and 19-year-olds born on that date.

- **I'm going to go to college next fall, can I get an exemption?**

There are no student or job-related deferments. However, hardship, conscientious objector and ministerial exemptions are still being allowed.

RECREATION

It's party time! Sounds great! Just don't disturb your peaceful neighborhood. What might your neighbors consider to be disturbing their peace?

- Fighting.
 - Loud music.
 - Rowdiness.
 - Use of alcohol and drugs.
 - The party lasting too late. (PC §§ 403, 404, 407, 413, 415, 416)
- **I didn't even invite half these guys. They just crashed it.**

Then they're in trouble. Crashing a party is trespassing and is illegal. If necessary, the police can be called to remove uninvited guests.
(PC §§ 403, 602.5)

Graffiti

Expressing your artistic abilities on the sides of private or public property can land you in jail/prison for up to one year and a fine of up to \$10,000. You may also be required to pay for the repair of the property you damaged and be forced to work on a work crew to remove graffiti in your area. (PC §§ 594, 640.5)

Boating

You certainly don't have the freedom of Moby Dick! Learn how to operate the boat safely. Know speed limits in all areas and where and how to tow a skier. Know right-of-way rules. In case of an accident, the boat operator can be held responsible. There is no requirement that you have a license to operate a boat. **While you may have alcohol on a boat, being under the influence is illegal.** It is gross vehicular manslaughter when death occurs while operating a vehicle, including a boat, **while intoxicated.** (PC §§ 191.5, 192.5, 193.5). One is not to operate a recreational vessel, water skis, aquaplane, etc., with 0.08 percent or more alcohol concentration in the blood.

One shall not use any other vessel, other than a recreational vessel, with 0.04 percent or more blood alcohol level. (HNC § 655).

Parks

- **The parks are mine. I pay my taxes!**

Welcome! And be sure to notice the rules of the park. There may be signs about the park hours, bicycles and cars, use of firearms, fires, littering and use of alcohol or drugs.

Fishing

- **There is such a thing as a free lunch!**

It's a fish caught off a public pier. You can fish there absolutely free of charge. However, to fish in the Pacific Ocean, in a lake or on a river, you will need to buy a license. A license is needed for any fishing (other than from a free pier). Be sure to carry that license with you while fishing.

Hunting

Take your license with you. It doesn't weigh much and is required to hunt any bird or animal. To obtain a license in California, you need a "certificate of competence" from a hunter safety training course.

TOBACCO

Smoke gets in your eyes . . . and theirs!

- **I can smoke now, right?**

It may be legal. That doesn't mean it's healthy! Just remember that it is unlawful to sell or give any tobacco product to minors under 18. (PC § 308)

- **What about those no-smoking areas?**

Under labor code § 6404.5, smoking is prohibited in all California enclosed work places. This includes bars, restaurants, office buildings, etc. This section, also known as Assembly Bill 13 (AB13), protects employees statewide from the harmful health effects of second-hand tobacco smoke. For enforcement information, call your local health department.

TORTS

Isn't that something you eat? I think I had one for dessert last night.

- **What is a tort?**

A tort is committed when you injure a person, their property or their reputation. It doesn't matter whether the injury was done on purpose or by accident. You may be sued by the victim in civil court. (Some torts are also crimes, so you could be tried in two different courts for the same conduct.) If you're found liable, you could be ordered to pay all resulting damages. Some examples of torts include:

- Negligent driving — injuring persons and/or property.
- Assault — unlawfully attempting to touch or hurt another person.
- Battery — intentionally touching another person without his or her consent.
- False imprisonment — keeping someone in a room or car or other place so he can't leave.
- Defamation — an unlawful written or spoken attack on the reputation or good name of a person. (CC §§ 44-48.8)

TRANSPORTATION

The rules of the road will probably be second nature to you by the time you become 18, but there are some changes and more responsibilities.

- **I've got my driver's license. That means I've got my rights.**

Not really. Driving is not a right — it's a privilege regulated by the state.

- **So, what changes?**

Primarily, your liability. **When You Become 18**, you are legally an adult and assume liability for your own traffic violations or accidents. It is completely your responsibility to know (and follow) the rules of the road as described in the California Driver Handbook. You and your parents were in this thing together when you were a minor. Now, as they say, "The buck stops here."

- **I've got to get my own car insurance, too?**

Yes, you must have proof of insurance. If you are a student, your parents may be able to continue to carry you on their car insurance until you are 24. If not, you will have to get your own insurance. Also, when you buy a car, you receive a California Certificate Title, commonly known as a "pink slip." It is a very important document for the detailed information of your car and as proof of ownership. When a car changes ownership, the seller is required to sign this certificate and to have it recorded within 10 days by the DMV to finalize the transfer and to discharge the seller from any further responsibilities connected with that particular vehicle.



- **What about road rage?**

That driver may have cut you off and almost caused you to get into an accident, but you better think twice before taking matters into your own hands. Road rage can result in the suspension of your driver's license for six months, and you could end up in jail or prison. (VC § 13210)

VOTING

Government for the people and by the people . . . that's what it's all about.

When you become 18, you have the right to help decide this country's future. You may vote in the precinct in which you live:

- If you are a citizen of the United States.

- If you have been registered for 15 days before the election.
- If you are not in prison or on parole for conviction of a felony.

- **Where do I go to register?**

Register at the county elections office or at a temporary registration place set up by the county elections office. There may be a registration table in a mall, on a sidewalk or in another public place. Any person qualified to register may apply to the county elections office by mail, telephone, in person, or through another person who would obtain the form or call 1-800-345-VOTE toll free.

- **I forgot to register. Can I just show up to vote?**

Sorry, no. Voting record books are closed 30 days before an election, so you must register before then.

- **Where do I vote?**

The county elections office establishes the polling place in your neighborhood.

- **If I'm away at college, can I just vote there?**

Yes, if you have registered there. Otherwise, you will need to vote absentee. Contact your county elections office at least 30 days before the election for an **absentee ballot**.



We hope this guide will help you make this important transition into adulthood. For more information on such issues as handling debts, buying a house, dealing with domestic violence or going through a divorce, contact the State Bar for free copies of the applicable consumer education pamphlets. At 18, you will face more personal responsibility and greater expectations. But you will also find doors opening to exciting new challenges and experiences. Welcome to your 18th year and beyond.

The purpose of this guide is to provide general information on the law, which is subject to change. If you have a specific legal problem, you may want to consult a lawyer.

FINDING THE RIGHT ATTORNEY

There may come a time when you need an attorney. California has close to 140,000 practicing attorneys. Here are a few pointers on finding one:

- Ask a friend, co-worker or business associate to recommend an attorney. Or, call a State Bar-certified lawyer referral service. (Check the phone book, call the local bar association or visit the bar's web site at www.calbar.org for a listing.) Don't forget to ask if there is a fee for the referral or consultation.
- The State Bar also certifies "specialists" in eight legal areas. (Not all attorneys, however, seek such certification.) For information on certified specialists, contact the bar's Office of Certification at 415-538-2100 or visit the program's web site at www.californiaspecialist.org.
- If you decide to hire the lawyer, make sure you understand what you will be paying for, how much it will cost and when you must pay the bills. You may want to talk to several attorneys before hiring one.
- If you've been accused of a crime and cannot afford a lawyer, you may qualify for free help from the local public defender's office or a court-appointed private attorney. In civil matters, individuals with a low income may qualify for no-cost help from a legal services program such as a legal aid society. (Ask a certified lawyer referral service or local bar association to refer you to such a program.) Or maybe a law school clinic can help.
- Make a fee agreement with the attorney. By law, such agreements must be in writing when the lawyer expects the fees and costs to be \$1,000 or more. The attorney's services, the type and amount of fees, the handling of the costs and the lawyer's billing practices should all be included. Attorney fees can range from contingency fees (the lawyer receives a certain percentage of what you win in court or in a settlement, but receives nothing if you lose), to fixed fees, hourly fees or retainer fees. For a sample fee agreement (either contingent or non-contingent), send a \$5 check to: Office of Mandatory Fee Arbitration, The State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639.

For further information on finding the right lawyer, see the State Bar pamphlet **How Can I Find and Hire the Right Lawyer?** To order a free copy, call 415-538-2280 or visit the bar's web site at www.calbar.org.

To order a complimentary copy of this guide, please contact the State Bar at 415-538-2283 or, via e-mail, at barcomm@calsb.org. For school orders, call the California PTA at 213-620-1100 or visit the PTA's web site at www.capta.org.

RESOURCES / HOTLINES

ADDITIONAL RESOURCES

- California state offices (info) - 916-322-9900 / www.ca.gov
- California courts (courts, juror info) - www.courtinfo.ca.gov
- Federal Information Center - 1-800-688-9889 / TTY-1-800-326-2996

- Abducted, Abused and Exploited Children Child Quest Int'l - 1-800-248-8020 / 1-888-818-4673
- AIDS and Sexually Transmitted Diseases Hotline - 1-800-342-2437 (English) / 1-800-344-7432 (Spanish)
- Alcohol and Drug Information - 1-800-729-6686
- Alcohol and Drug Treatment Referrals - 1-800-662-4357
- California Attorney General (public inquiry line) - 1-800-952-5225
- California Department of Consumer Affairs (consumer info) - 1-800-952-5210
- California Department of Fair Employment and Housing - 1-800-884-1684 (Housing issues - 1-800-233-3212) / TDD-1-800-700-2320
- California Missing Children Hotline - 1-800-222-3463
- California Youth Crisis Line - 1-800-843-5200
- Cancer National Institute's Information Services - 1-800-422-6237
- Consumer Credit Counseling Service/ Credit Counselors of California - 1-800-777-PLAN (777-7526) / www.cccssf.org
- Consumer Product Safety Commission (info and complaints) - 1-800-638-2772
- Contractors State License Board - 1-800-321-2752
- Disease and Health Risk Info - 1-800-232-3228 / TTY-1-877-232-1010
- Employment Development Department (unemployment insurance) - 1-800-300-5616
- Federal Student Aid Information Center - 1-800-433-3243
- Franchise Tax Board (state taxes) - 1-800-338-0505
- Internal Revenue Service (federal taxes) - 1-800-829-1040
- National Domestic Violence Hotline (info / referrals) - 1-800-799-SAFE (799-7233) / TTY-1-800-787-3224
- Occupational Safety and Health - 415-703-5100 / www.dir.ca.gov
- Poison Control Center - 1-800-876-4766 / TDD-1-800-972-3323
- Public Utilities Commission - 1-800-649-7570 / TTY-1-866-836-7825
- Selective Service - 847-688-6888 / 1-888-655-1825 / TTY-847-688-2567 / www.sss.gov
- State Medical Board - 916-263-2382
- Victims of Crime Resource Center - 1-800-VICTIMS (842-8467)
- Voter Registration Information - 1-800-345-VOTE (345-8683)
- The State Bar: consumer pamphlets - 415-538-2280
attorney complaints hotline - 1-800-843-9053
State Bar's web site - www.calbar.org (As of June 2002, go to www.calbar.ca.gov)

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